

BILL NO. BL2018-1281 (MURPHY & HENDERSON) – This ordinance, as amended, would codify a sexual harassment awareness and prevention training program for Metropolitan Government employees and certain contractors of the Metropolitan Government.

Employees would be required to participate in this training within 90 days of beginning work and every four years during continuous employment with Metro. The training would be conducted under the direction of the Metropolitan Department of Personnel. Contractors having a contract with Metro for a period of over 12 months and/or valued at \$500,000 or more would be required to provide training to employees that (1) have direct and regular interactions with Metro employees, (2) have contact with the public such that the public may believe the contractor is an employee of Metro, and/or (3) work on property owned by Metro. Contractors would be required to execute an affidavit, in the form provided by the Purchasing Agent, attesting that the contractor has provided training or will provide training within ninety days of the effective date of the contract or the employee's start date if after the effective date of the contract.

Under state law, municipalities are prohibited from imposing requirements upon contractors licensed by the state beyond those regulations established under state law. (TCA § 62-6-11). However, the definition of "contractor" under this state provision is narrower than the definition offered under the Metro Code. The former is relegated to contractors engaged in a "construction undertaking" (TCA § 62-6-102) whereas, for purposes of Metro contracts, "contractors" include anyone that has a contract with Metro. (See, e.g., Metro Code Sec. 4.04.050).

Fiscal Note: The Human Resources (HR) Department has advised they do not expect any significant additional costs if this ordinance is approved. No tracking or training for contractors would be conducted by HR since the affidavits would be initiated and executed by Purchasing. The cost of training employees under this ordinance would be the same as it is today under the executive order.

Purchasing has advised their only additional costs should come from investigating any violation of the affidavit attestation. HR has had only one such complaint filed in the last 5 years. With the low number of predicted investigations to be conducted initially, Purchasing would use the first year to collect data and determine the extent to which any violations of the attestation would occur. That information would be used to make budget improvement requests if needed in upcoming fiscal years.